

FORTY-FOURTH DAY

THURSDAY, APRIL 3, 1997

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Dr. Jeff Burnett, First Baptist Church, Hurst, offered the invocation as follows:

As we bow in prayer together, I encourage you with the same words Albert Schweitzer once shared with another group when he said, "I don't know what your destiny will be but one thing I do know, the only ones among you who will be really happy are those who have sought and found how to serve." Therefore, heavenly Father, remind us too that to be promoted to a position of leadership means that we now have the privilege of serving others in a special way. Please grant these men and women, who lead our state, the grace and wisdom to serve others effectively, unselfishly, and sacrificially, even as did the Lord, Jesus Christ. Please bless and honor them as they do so. It is in His name that we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Brown and by unanimous consent, Senator Wentworth will be shown as Co-author of **SB 1**.

CO-AUTHOR OF SENATE BILL 190

On motion of Senator Zaffirini and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 190**.

CO-AUTHOR OF SENATE BILL 381

On motion of Senator Shapiro and by unanimous consent, Senator Harris will be shown as Co-author of **SB 381**.

CO-AUTHORS OF SENATE BILL 758

On motion of Senator Shapleigh and by unanimous consent, Senators Barrientos and West will be shown as Co-authors of **SB 758**.

CO-AUTHOR OF SENATE BILL 951

On motion of Senator Ellis and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 951**.

CO-AUTHOR OF SENATE BILL 1060

On motion of Senator Patterson and by unanimous consent, Senator Madla will be shown as Co-author of **SB 1060**.

CO-AUTHOR OF SENATE BILL 1129

On motion of Senator Madla and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 1129**.

CO-AUTHOR OF SENATE BILL 1503

On motion of Senator Ellis and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1503**.

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. David Carter of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Carter and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Thursday, April 3, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 3, Relating to establishing the Texas Healthy Kids Corporation and other health benefit coverage to increase access to health care for children.

HB 35, Relating to a voluntary code of fair campaign practices.

HB 260, Relating to certain offenses involving criminal mischief and graffiti; providing penalties.

HB 475, Relating to the effect of certain types of divorce decrees on retirement benefits payable by the Teacher Retirement System of Texas.

HB 977, Relating to the use of safety chains with certain trailers, semitrailers, and house trailers.

HB 1077, Relating to the powers and duties of and the continuation of the Texas Public Finance Authority.

HB 1149, Relating to formation of certain professional associations.

HB 1916, Relating to county criminal courts in Tarrant County.

HCR 110, Honoring the 1996 Northwest 45 Junior All-Stars.

HCR 112, Honoring the United Way of the Texas Gulf Coast on the occasion of its 75th anniversary.

HCR 115, Commemorating the dedication of a historical marker honoring Captain Edward T. Broughton and the Johnson Guards.

HCR 122, Honoring St. Moses the Black African Orthodox Church.

HCR 127, In memory of Officer Michael David Moore.

SCR 11, Congratulating and commending the Texas Health Care Council.

SCR 12, In memory of the Honorable Frank Tejeda.

SCR 17, Declaring Kid Cardona the Caricature Artist of Texas.

SCR 26, In memory of Pam Lychner.

SCR 30, Commending the members of the Texas Federation of Republican Women.

SCR 41, Recognizing March 11, 1997, as the official opening of the Lone Star Dinosaurs exhibition and honoring the Fort Worth Museum of Science and History.

SCR 56, Congratulating the San Antonio Fox Tech Buffaloes on winning the 1997 4A state basketball championship.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

(Senator Truan in Chair)

SENATE RESOLUTION 382

Senator West offered the following resolution:

WHEREAS, The Texas Department of Public Safety and the State of Texas miss the wisdom and expertise of Chief of Staff Services Adolph Thomas, who recently retired after 27 years of superb service; and

WHEREAS, Born in Seguin, Adolph was the eighth child in a family of 10; he learned lessons in patience, tenacity, and meticulous attention to detail from his mother; and

WHEREAS, Having grown up with a desire to be a lawman, he tried to join the San Antonio Police Department in 1961 and was turned down; he then obtained a job as a part-time jail guard in the sheriff's department, applied to the Texas Department of Public Safety in 1968, and was accepted; and

WHEREAS, The first African American to be a cadet, Officer Thomas set many records while with the Texas Department of Public Safety; he was finally a lawman and remembers greatly enjoying those first years as patrol officer; and

WHEREAS, Promoted to Narcotics Agent I in May, 1972, he was the first African American officer to work in that department; he discovered that the use of drugs was much more widespread than he had anticipated; and

WHEREAS, Promoted to supervisor in 1974, he gained a reputation for being a concerned boss who was quite aware that narcotics work placed a strain on any marriage; he often checked with the families of officers to discover how things were going; and

WHEREAS, Promoted in 1988 to Captain in the Narcotics Service, Officer Thomas was named commander of the Department of Public Safety Training Academy in 1991; and

WHEREAS, Two years later, he was made chief of staff services, one of the most responsible positions in the large department; over the years, he established a reputation as an expert in constitutional law for police officers; and

WHEREAS, A well-known and popular peace officer, he has been one of those courageous men who risk their lives every day to protect the homes, neighborhoods, and property of our citizens; and

WHEREAS, A man of unquestioned ability and integrity, this respected officer set a high standard of professionalism, inspiring others by his loyalty, dependability, and exemplary conduct; and

WHEREAS, Officer Thomas's splendid record in the line of duty has resulted in the solving of many crimes in the cities and towns of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby congratulate Officer Adolph Thomas on his retirement and wish him happiness in the years ahead; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for this outstanding officer as an expression of the highest regard of the Texas Senate.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West and by unanimous consent, the resolution was adopted by a viva voce vote.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Adolph Thomas, former Chief of Staff Services for the Department of Public Safety.

The Senate welcomed Officer Thomas.

(President in Chair)

SENATE RESOLUTION 434

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of Texas is delighted to extend hearty congratulations to Omar Uresti for his remarkable golfing achievements; and

WHEREAS, Born and raised in Austin, Omar attended David Crockett High School and attended The University of Texas at Austin; he is the son of Guadalupe Uresti and Minnie Uresti; and

WHEREAS, Proud of the fact that he won All District four times and All State two times, Omar has been named All-American in Golf two times; and

WHEREAS, Winner of the 1994 Nike Shreveport Open, this talented young man made a world record nine consecutive birdies during this famous tournament; and

WHEREAS, Omar had three top 25 finishes this year on the P.G.A. Tour; and

WHEREAS, His devotion to excellence and his desire to achieve have brought recognition and honor to his family, his community, and his state; and

WHEREAS, Omar Uresti is an exemplary young man who has upheld the highest ideals of sportsmanship and has accomplished his goals through his hard work and dedication; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby honor and commend Omar Uresti for his many fine golfing accomplishments; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Omar Uresti as an expression of the highest esteem and regard of the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 2, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Omar Uresti and his parents Guadalupe "Lupe" and Minnie Uresti.

The Senate welcomed its guests.

(Senator Truan in Chair)

BILL AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read: **HB 338, HCR 134**

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of third-grade students from Forest North Elementary School of Round Rock and their teacher Brenda Key.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 56

Senator Luna offered the following resolution:

WHEREAS, The Legislature of the State of Texas takes pride in recognizing the Fox Tech Buffaloes of San Antonio for winning the 1997 Class 4A basketball championship; and

WHEREAS, Playing before a record crowd at a 4A title game in the Frank Erwin Center, the Buffaloes won their first state title in a hard-fought battle against the Dallas Lincoln Tigers, 68 to 59; and

WHEREAS, The Buffaloes win over Dallas Lincoln proved that Fox Tech players, working together as a team, can accomplish a highly desired goal; and

WHEREAS, With indomitable fighting spirit and drive, the Fox Tech Buffaloes overcame some of the most formidable Class 4A teams in the state in their march to victory; and

WHEREAS, The team members devoted much time and energy to practicing the fundamental skills of the game and displayed disciplined teamwork in their excellent showing against their opponents; and

WHEREAS, Their highly successful year is a tribute to the players' exceptional talent and to their consistent preparation; and

WHEREAS, Coach Gerardo Marquez and the dedicated and talented team players deserve recognition for the team's efforts and flawless performance; and

WHEREAS, Exhibiting perseverance, enthusiasm, and respect for the highest ideals of American sportsmanship, the team members have brought honor to their school and their community; and

WHEREAS, The Fox Tech Buffaloes proved themselves champions in every sense of the word, and the Texas Legislature is proud to honor them; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby congratulate the coach and players of San Antonio's Fox Tech for their well-earned laurels in winning the 1997 4A state basketball championship and applaud the team for a job well done; and, be it further

RESOLVED, That a copy of this resolution be prepared for this excellent team as a token of admiration and esteem of the Texas Legislature.

LUNA
MADLA
WENTWORTH
ZAFFIRINI

The resolution was again read.

The resolution was previously adopted on Wednesday, March 19, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Luna was recognized and introduced to the Senate the 1997 University Interscholastic League Class 4A basketball champions, the Fox Tech Buffaloes of San Antonio and their coaches.

The Senate welcomed its guests.

GUEST PRESENTED

The Presiding Officer, Senator Truan in Chair, introduced to the Senate Nueces County Sheriff Larry Olivarez, Sr.

The Senate welcomed Sheriff Olivarez.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Sibley and by unanimous consent, Article III, Section 5, of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

SB 1910, SB 1913, SB 1916, SB 1917, SB 1918, SB 1919, SB 1920

(President in Chair)

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1910 by Ratliff

Relating to the disposal and handling of poultry and poultry litter.
To Committee on Natural Resources.

SB 1913 by Sibley

Relating to service contracts sold by a manufacturer or seller of property covered by a service contract.
To Committee on Economic Development.

SB 1916 by Luna

Relating to public school finance.
To Committee on Education.

SB 1917 by Luna

Relating to the distribution of funds for extended year programs under the compensatory education allotment.
To Committee on Education.

SB 1918 by Luna

Relating to the operation and administration of the Texas School for the Deaf.
To Committee on Education.

SB 1919 by Luna

Relating to the operation and administration of the Texas School for the Blind and Visually Impaired.

To Committee on Education.

SB 1920 by Bivins

Relating to state financing of public school facilities and to the cost of an attendance credit under the Foundation School Program.

To Committee on Finance.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 3 to Committee on Economic Development.

**COMMITTEE SUBSTITUTE
SENATE BILL 618 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 618, Relating to the regulation of certain residential facilities; providing civil penalties.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 618** as follows:

(1) on page 3, after line 44, insert the following subsections (c), (d), (e) and (f):

"(c) If the attorney general fails to take action within 30 days of referral from the department, the department shall refer the case to the local district attorney, county attorney, or city attorney. The district attorney, county attorney or city attorney shall file suit in a district court to collect and retain the penalty.

(d) Investigation and attorney's fees may not be assessed or collected by or on behalf of the department or other state agency unless the department or other state agency assesses and collects a penalty described under this chapter.

(e) The department and attorney general, or other legal representative as described in subsection (c), shall work in close cooperation throughout any legal proceedings requested by the department.

(f) the commissioner must approve any settlement agreement to a suit brought under this chapter."

The amendment was read and was adopted by a viva voce vote.

CSSB 618 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 618 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 618** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 618 was read third time and was passed by a viva voce vote.

(Senator Patterson in Chair)

HOUSE BILL 1185 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1185, Relating to the fraudulent exercise of certain governmental functions and the fraudulent creation or use of certain pleadings, governmental documents, and records; providing penalties.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1185** as follows:

On page 7 of the bill, line 15, strike the words "felony of the third degree" and substitute "state jail felony".

The committee amendment was read and was adopted by a viva voce vote.

HB 1185 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1185 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1185** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1185 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

(Senator Wentworth in Chair)

(President in Chair)

(Senator Bivins in Chair)

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Thursday, April 3, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 94, Commending the efforts of the United States to address the misuse of explosive materials.

SB 209, Relating to the composition of the lake planning commission of Lake Tawakoni and Lake Ray Roberts.

SB 388, Relating to the provision of Texas Poison Control Center Network services to other jurisdictions and entities.

SB 435, Relating to standard orders for the possession of a child.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1, Relating to the development and management of the water resources of the state; providing penalties.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1** as follows:

In Section 5.12 of the bill, (committee printing, page 47, line 52), strike "2155.44" and substitute "2155.444".

The amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1** as follows:

In Section 4.32 of the bill, amend the heading of Section 36.310, Water Code, (committee printing, 37, line 9) to read as follows: "ASSETS ESCHEAT [~~TO STATE~~]."

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 3

Amend CSSB 1 as follows:

In Section 1.02 of the bill, subsection (e)(4)(D), Section 16.053, Water Code, (committee printing, page 2, lines 58-59), strike "and modes and procedures for the equitable adjustment of water rights affected by the plan".

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 4

Amend CSSB 1 as follows:

In Section 1.02 of the bill, subsection (h), Section 16.053, Water Code, (committee printing, page 3, line 17), insert new subsections (h)(1) and (h)(2) to read as follows and renumber the subsequent subsections appropriately:

"(h)(1) Prior to the preparation of the regional water plan, the regional water planning group shall, after notice, hold at least one public meeting at some central location within the regional planning area to gather suggestions and recommendations from the public as to issues that should be addressed in the plan or provisions that should be considered for inclusion in the plan.

(2) The regional water planning group shall provide an ongoing opportunity for public input during the preparation of the regional water plan."

The amendment was read and was adopted by a viva voce vote.

(Senator Armbrister in Chair)

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 5

Amend CSSB 1 as follows:

(1) In SECTION 3 of the bill (committee printing page 20, lines 17-19) strike subpart (1) of subsection (h), and substitute the following:

Any dam, reservoir or canal system associated with a water right issued or recognized by the commission.

(2) In SECTION 3 of the bill (committee printing page 20, between lines 44 and 45), insert the following:

(6) Any levee or other improvement constructed outside of the 100-year floodway. For the purposes of this section, 100-year floodway is defined as the channel of a stream and the adjacent land areas that must be reserved in order to discharge the 100-year flood without

cumulatively increasing the water surface elevation more than one foot above the 100-year flood elevation prior to encroachment.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 5A

Amend **CSSB 1** in Section 3.02 of the bill, subsection (a), Section 11.0842, Water Code, by striking "unless modifications other than repairs are made to the dam or reservoir after March 2, 1997." and substituting "if a registration for authorization is submitted to the commission within two years of the effective date of this Act, unless modifications other than repairs are made to the dam or reservoir after March 2, 1997. Upon registration, the commission shall issue a permit for the dam or reservoir relating back to the date of completion of construction. The date of completion of construction may be established by the submission of competent evidence.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 5B

Amend **CSSB 1** as follows:

Strike Subdivision (7) of SECTION 2.02 of the bill.

The amendment was read and was adopted by a viva voce vote.

(President in Chair)

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1** as follows:

Amend Article 4, Section 4.19 by adding a new (c) on page 30, between line 2 and 3:

(c) If voters fail to create a groundwater district in a priority groundwater management area or if voters fail to add the priority groundwater management area to an existing groundwater district, the report shall include recommendations for the future management of the priority groundwater area. The recommendations may include but are not limited to the following:

(1) creation of a groundwater district by the Legislature;

(2) annexation of a priority groundwater management area into an existing district by the Legislature; or

(3) management of the priority groundwater management area by the nearest regional office of the commission. The commission may be authorized to:

A. adopt spacing and annual per acre pumping restrictions;

B. issue well permits in accordance with Section 36.113 and 36.1131 of this chapter;

C. prevent waste and protect the quality of groundwater in accordance with Section 36.001(8)(A) through (G):

D. levy administrative penalties for violations;

E. collect fees in accordance with Section 36.206(a) and (b) of this section.

(4) If the commission is required by the Legislature to manage the priority groundwater management area, a new election may not be called for three years from the date of the last election

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 7

Amend CSSB 1 as follows:

In Section 4.04 of the bill, amend subsection (c), Section 11.154, Water Code, (committee printing, page 22, line 67), strike subsection (c)(3) and substitute the following: "(3) ~~[the permit holder has provided evidence that]~~ reasonable diligence will be used to protect the water stored in the receiving aquifer from unauthorized withdrawals to the extent necessary to maximize the permit holder's ability to retrieve and beneficially use the stored water without experiencing unreasonable loss of appropriated water."

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 7C

Amend CSSB 1 in SECTION 4.20 as follows:

Strike proposed Subdivision (18), Section 36.001, Water Code.

The amendment was read and was adopted by a viva voce vote.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 8

Amend CSSB 1 as follows:

Amend Article 4, Section 4.32 - page 35 by deleting lines 44-55 and substituting the following:

Section 36.302. LEGISLATIVE AUDIT REVIEW: DETERMINATION OF WHETHER DISTRICT IS OPERATIONAL. (a) A district is subject to review by the state auditor under the direction of the legislative audit committee pursuant to Chapter 321, Government Code.

(b) The commission, the Texas Water Development Board, and the Parks and Wildlife Department shall provide technical assistance to the state auditor's office for the review.

(c) The state auditor shall make a determination of whether a district is actively engaged in achieving the objectives of the district's management plan based on an audit of the district's performance under the plan.

(d) The state auditor shall conduct such audits following the first anniversary of the initial certification of the plan by the Texas Water

Development Board under Section 36.1072 and following the end of every five-year period thereafter.

(e) The state auditor shall report findings of the review to the legislative audit committee and to the commission.

(f) If it is determined under Subsection (c) that the district is not operational, the commission shall take appropriate action under Section 36.303.

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 9

Amend CSSB 1 by adding to Article 4 of the bill a new Section 4.41 to read as follows:

SECTION 4.41. Section 36.052, Water Code, is amended to read as follows:

Sec. 36.052. OTHER LAWS NOT APPLICABLE. (a) Other laws governing the administration or operations of districts created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, shall not apply to any district governed by this chapter. This chapter prevails over any other law in conflict or inconsistent with this chapter, except any special law governing a specific district shall prevail over this chapter.

(b) Notwithstanding Subsection (a), the following provisions prevail over a conflicting or inconsistent provision of a special law that governs a specific district:

(1) Sections 36.107-36.108;

(2) Sections 36.159-36.161; and

(3) Subchapter I.

The amendment was read and was adopted by a viva voce vote.

CSSB 1 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1 was read third time and was passed by the following vote: Yeas 31, Nays 0.

APPRECIATION TO STAFF EXTENDED

Senator Brown expressed his appreciation to the following staff members for their hard work on SB 1: John Pitts, Martin Hubert, and C. J. Tredway of the Lieutenant Governor's Office; Mark Smith of the Speaker's Office; John Howard and Kimberly Sims of the Governor's Office; Brian Sledge of the House Natural Resources Committee; Billy

Howe and Michael Burlison of Representative Ron Lewis' Office; and Carol McGarah and Fred Aus of the Senate Natural Resources Committee.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a group of eighth-grade students from Trinity Middle School and their teacher Susan Garrett.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 17 ON SECOND READING

Senator Brown moved to suspend the regular order of business to take up for consideration at this time:

CSSJR 17, Proposing a constitutional amendment relating to creation of the Texas Water Development Fund II; to authorizing the Texas Water Development Board to administer the fund and issue general obligation bonds for the purposes of the fund; and to the flow of funds for repayment of Texas agricultural water conservation bonds.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSJR 17 was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 17 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSJR 17 was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 3, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT

OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES
BETWEEN THE TWO HOUSES:

HB 1 (viva voce vote)

House Conferees: Junell - Chair/Swinford/Gallego/Coleman/Delisi

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 190 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 190, Relating to the regulation of nursing homes and similar facilities; providing penalties.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 190** by inserting a new Section 1.11 on page 6 after line 14 to read as follows, and renumbering subsequent sections accordingly:

Section 1.11. Section 242.045(c) is amended to read as follows:

(c) An offense under this section is a [~~Class-B misdemeanor~~] third degree felony.

The amendment was read and was adopted by a viva voce vote.

CSSB 190 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 190 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 190** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 190 was read third time and was passed by a viva voce vote.

SENATE BILL 270 ON SECOND READING

On motion of Senator Haywood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 270, Relating to peace officers of hospitals in certain municipalities.

The bill was read second time.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 270** as follows:

(1) on page 1, line 13, strike "hospital" and substitute "non-profit hospital or hospital district".

(2) on page 1, line 42, strike subsection (f).

The amendment was read and was adopted by a viva voce vote.

SB 270 as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Zaffirini.

Nays: Armbrister, Barrientos, Gallegos, Moncrief, Truan, Whitmire.

**MOTION TO PLACE
SENATE BILL 270 ON THIRD READING**

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 270** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 24, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Zaffirini.

Nays: Armbrister, Barrientos, Ellis, Gallegos, Moncrief, Truan, Whitmire.

SENATE BILL 1514 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1514, Relating to coordinating colonia initiatives.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1514 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1514** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 1514 was read third time and was passed by the following vote: Yeas 31, Nays 0.

VOTE RECONSIDERED

On motion of Senator Whitmire and by unanimous consent, the vote by which the Constitutional Three-day Rule on **SB 270** failed to be suspended was reconsidered:

SB 270, Relating to peace officers of hospitals in certain municipalities.

Question—Shall the Constitutional Three-day Rule be suspended?

SENATE BILL 270 ON THIRD READING

Senator Haywood again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 270** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Barrientos, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Armbrister, Ellis, Gallegos, Moncrief, Truan.

SB 270 was read third time.

On motion of Senator Haywood and by unanimous consent, further consideration of **SB 270** was postponed.

Question—Shall **SB 270** be finally passed?

**COMMITTEE SUBSTITUTE
SENATE BILL 1577 ON SECOND READING**

Senator Bivins asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 1577, Relating to public postsecondary technical and vocational education, to the programs, operation, and administration of the Texas State Technical College System, and to the transfer of certain centers operated by the system to certain junior colleges.

There was objection.

Senator Bivins then moved to suspend the regular order of business and take up **CSSB 1577** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

CSSB 1577 was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1577 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1577** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

CSSB 1577 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, April 3, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 39, Relating to a prohibition of discrimination in the determination of eligibility for employment, occupational licenses, and coverage under certain health benefit plans based on the use of certain genetic tests and to limitations on the use of information derived from those tests.

SB 109, Relating to the service areas of certain junior college districts.

SB 128, Relating to tuition and fees charged to military personnel enrolled in certain courses at Midwestern State University.

SB 334, Relating to the recodification of statutes relating to the marriage relationship.

SB 404, Relating to the quorum requirements for the board of directors of the Cypress Valley Navigation District.

SB 504, Relating to the adoption of the Uniform Transfer On Death Security Registration Act.
(Amended)

Respectfully,
/s/Sharon Carter, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 455 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 455, Relating to liability insurance coverage for a charitable organization.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 455 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 455** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 455 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 270 ON THIRD READING

The Senate resumed consideration of **SB 270** on its third reading and final passage. The bill was read third time and further consideration was postponed.

SB 270, Relating to peace officers of hospitals in certain municipalities.

Question—Shall **SB 270** be finally passed?

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 270** on page 2, line 16, by adding the word "peace" before the word "officers".

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

SB 270 as amended was finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Moncrief, Shapleigh, Truan, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 586 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 586, Relating to the creation of the Guardianship Advisory Board and the certification of attorneys representing certain parties in guardianship proceedings.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 586** by inserting the word "volunteer" between "local" and "guardianship" on page 2, line 17.

The amendment was read and was adopted by a viva voce vote.

Senator Cain offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 586** in SECTION 3 of the bill, in added Section 647A, Texas Probate Code, (Senate Committee Report, page 3, between lines 2 and 3) by adding a new Subsection (f) to read as follows:

(f) A court in a county with a population of less than 100,000 may exempt an attorney other than an attorney who is appointed as an attorney ad litem under Section 646 of this code from the certification requirements of this section if the court determines that the exemption is in the best interests of the county and the proposed ward, proposed guardian, or other person the attorney is to represent at the hearing to appoint a guardian.

The amendment was read and was adopted by a viva voce vote.

CSSB 586 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 586 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 586** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 586 was read third time and was passed by a viva voce vote.

(Senator Patterson in Chair)

SENATE BILL 269 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 269, Relating to the waiver or alternate use of municipal impact fees.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 269 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 269** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 269 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 997 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 997, Relating to the procedures for and administration of guardianships.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 997 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 997** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 997 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 998 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 998, Relating to the administration and operation of certain trusts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 998 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 998** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 998 was read third time and was passed by a viva voce vote.

SENATE BILL 287 ON SECOND READING

Senator Haywood asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

SB 287, Relating to the appeal of an interlocutory order to certify or refuse to certify a class action.

There was objection.

Senator Haywood then moved to suspend the regular order of business and take up **SB 287** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Bivins, Cain, Carona, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Luna, Truan.

Absent: Armbrister, Brown, Duncan, Ellis, Fraser.

SB 287 was read second time.

Senator Haywood offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 287** as follows:

1) On page 1, line 11, strike September 1, 1997, and insert the word immediately.

The committee amendment was read and was adopted by a viva voce vote.

SB 287 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 287 ON THIRD READING

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 287** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Gallegos, Luna, Truan.

SB 287 was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 745 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 745, Relating to a special license plate for a mother, or the spouse of a mother, of a person who died while serving in the United States armed forces.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 745 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 745** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 745 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 857 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 857, Relating to an application for issuance of a subpoena.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 857 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 857** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 857 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 698 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 698, Relating to research relating to transportation facilities conducted by public senior colleges and universities for the Texas Department of Transportation.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 698** as follows:

On page 2, line 27, after the word "system" substitute "or" for the word "for"

The committee amendment was read and was adopted by a viva voce vote.

SB 698 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 698 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 698** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 698 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 627 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 627, Relating to certification of bail bondsmen by the Texas Department of Licensing and Regulation; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Galloway and Nixon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 627 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 627** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Galloway, Nixon.

CSSB 627 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Galloway and Nixon asked to be recorded as voting "Nay" on the final passage of the bill.

CONFERENCE COMMITTEE ON HOUSE BILL 1

Senator Ratliff called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1** and moved that the request be granted.

The motion prevailed.

The Presiding Officer, Senator Patterson in Chair, asked if there were any motions to instruct the conference committee on **HB 1** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Ratliff, Chair; Truan, Brown, Zaffirini, and Sibley.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **SB 1450** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider **SB 1768** today.

PERMISSION TO MEET GRANTED

On motion of Senator Truan and by unanimous consent, Senate committees were granted permission to meet during the Local and Uncontested Calendar Session.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 2:06 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 9:00 a.m. tomorrow.

AT EASE

The Presiding Officer, Senator Patterson in chair, at 2:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Harris at 2:12 p.m. called the Senate to order as In Legislative Session.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris Tuesday, April 1, 1997.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

CSSB 202 (Moncrief on behalf of Harris) Relating to hospital liens on certain recoveries in civil actions. (31-0) (31-0)

CSSB 271 (Gallegos) Relating to the geographic area where certain holders of a local distributor's permit may sell a brand of ale, beer, or malt liquor. (31-0) (31-0)

CSSB 396 (Gallegos) Relating to local control of fire fighter employment matters in certain municipalities. (31-0) (31-0)

SB 417 (Ellis) Relating to a report by the Texas Workforce Commission regarding implementation of the integration of certain state services regarding workforce development. (31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 417** as follows:

(1) In Section 1 of the bill, section 301.0655(c) (page 1, line 22) strike "February 1, 1999" and substitute "December 15, 1998".

(2) In Section 1 of the bill, section 301.0655(d) (page 2, line 3) strike "March 1, 1999" and substitute "January 15, 1999".

The committee amendment was read and was adopted by a viva voce vote.

CSSB 484 (Moncrief) Relating to outdoor advertising of alcoholic beverages. (31-0) (31-0)

SB 485 (Brown) Relating to the joint listing on an ad valorem tax appraisal roll of separate interests in minerals in place. (31-0) (31-0)

CSSB 515 (Moncrief) Relating to cash reserves in regional library systems. (31-0) (31-0)

SB 520 (Bivins) Relating to eligibility to serve as a public member of the State Board for Educator Certification. (31-0) (31-0)

CSSB 637 (Brown) Relating to the finality of contested case orders rendered by state agencies. (31-0) (31-0)

SB 641 (Moncrief on behalf of Harris) Relating to a physician who accepts a financial incentive; imposing penalties. (31-0) (31-0)

CSSB 644 (Armbrister) Relating to the regulation of certain air ambulance companies. (31-0) (31-0)

CSSB 656 (Gallegos) Relating to the term of a school district depository contract. (31-0) (31-0)

SB 662 (Moncrief) Relating to the unauthorized practice of chiropractic; providing civil penalties and injunctive relief. (31-0) (31-0)

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 662** as follows:

(1) Adding a new subsection (f) in SECTION 1 to read as follows:

(f) A nonlicensed person who owns, maintains, or operates a chiropractic facility in this State on September 1, 1997, and whose chiropractic facility is licensed pursuant to this Act on the effective date of this section shall not be required to be licensed to practice chiropractic under this Act, but shall not be permitted to own, maintain or operate any additional chiropractic facilities after September 1, 1997, provided, however, that nothing in this section shall be construed to prevent the relocation of an existing chiropractic facility.

(2) Inserting the following as SECTION 2, and renumbering the remaining Sections accordingly:

SECTION 2. Section 12a, Article 4512b, Vernon's Texas Civil Statutes, is amended to read as follows:

Sec. 12a. (a) The Board shall adopt rules for the licensing and regulation of owners or operators of chiropractic facilities as necessary to protect the public health, safety, and welfare. A rule adopted by the Board under this section must:

(1) specify the licensing requirements for a chiropractic facility;

(2) set out the structure of the facility licensing program; and

(3) provide that the Board shall issue one facility license to an owner of a chiropractic facility for each chiropractic facility location ~~[without regard to the number of chiropractic facilities]~~ owned by the owner.

(b) The Board shall conduct compliance visits of chiropractic facilities as necessary to protect the public health, safety and welfare.

(c) The penalty provisions in Sections 14a and 14e of this Act shall apply to the owners of chiropractic facilities licensed under this section.

The committee amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **SB 662** as follows:

On page 1, line 19, after the word "The", delete the words "attorney general or the".

The committee amendment was read and was adopted by a viva voce vote.

SB 702 (Moncrief) Relating to the imposition of administrative penalties under certain professional licensing programs. (31-0) (31-0)

SB 720 (Duncan) Relating to the exception for certain officers from the registration requirements of The Property Taxation Professional Certification Act. (31-0) (31-0)

SB 730 (Whitmire) Relating to changing the name of the Institute for Urban Studies at the University of Houston to the Center for Public Policy. (31-0) (31-0)

SB 751 (Moncrief) Relating to restrictions on providing transportation for certain health care purposes. (31-0) (31-0)

SB 770 (Moncrief) Relating to the funding of certain peer assistance programs. (31-0) (31-0)

SB 797 (Moncrief on behalf of Harris) Relating to the recodification of statutes relating to protective orders and family violence. (31-0) (31-0)

SB 823 (Cain) Relating to payroll deductions in certain municipalities. (31-0) (31-0)

SB 833 (Armbrister) Relating to the powers and duties of the General Services Commission concerning state and federal surplus and salvage property and to certain commission personnel. (31-0) (31-0)

SB 861 (Armbrister) Relating to the administration of franchise taxes; imposing penalties. (31-0) (31-0)

SB 863 (Patterson) Relating to precommitment approval for certain purchases of a port authority. (31-0) (31-0)

Senator Patterson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 863** by adding subsection (d) after subsection (c) as follows:

Section 1. Section 60.403, Water Code. (d) If any other type of purchase of the district or port authority is subject to the approval of a county auditor, then the list of routine purchases or contracts must be approved by the county auditor before the purchases or contracts may be made.

The committee amendment was read and was adopted by a viva voce vote.

SB 910 (Zaffirini) Relating to the use of electronic transfer and data matching in connection with certain benefits programs. (31-0) (31-0)

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 910** as follows:

On page 4, line 12, insert after "subsection (b)." the following:

"The costs of developing and administering the data matching project shall be paid entirely from amounts recovered by participating agencies as a result of potential fraudulent occurrences or administrative errors identified by the project."

The committee amendment was read and was adopted by a viva voce vote.

SB 912 (Cain) Relating to trusts for certain minors or incapacitated persons. (31-0) (31-0)

SB 1083 (Barrientos) Relating to the drawing of names of prospective jurors. (31-0) (31-0)

SB 1113 (Ellis) Relating to a state tax refund and federal income tax credit available to certain employers of AFDC recipients. (31-0) (31-0)

SB 1114 (Ellis) Relating to the establishment of a "wheels for work" pilot program to assist certain recipients of AFDC. (31-0) (31-0)

SB 1301 (Moncrief on behalf of Harris) Relating to parking, vehicle traffic, and security in the Capitol Complex. (31-0) (31-0)

SCR 36 (Zaffirini) Endorsing the Texas Department on Aging's initiative to prepare for an aging society. (viva voce vote)

Senator Zaffirini offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **SCR 36** as follows:

On page 2, line 15, insert "called 'Aging Texas Well'" between "campaign" and "that".

The committee amendment was read and was adopted by a viva voce vote.

HCR 38 (Cain) Memorializing Congress to support the STEP 21 program, a streamlined transportation efficiency program for the 21st century. (viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Patterson requested in writing that **SB 945** be removed from the Local and Uncontested Calendar.

Senator Moncrief and Senator Harris requested in writing that **SB 619** be removed from the Local and Uncontested Calendar considered today.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

MEMORIAL RESOLUTION

SR 436 - by Brown: In memory of Clifford F. Kliesing, Sr., of Pearland.

CONGRATULATORY RESOLUTION

SR 437 - by Whitmire: Congratulating Trever Bergh of Baytown.

MISCELLANEOUS RESOLUTION

SR 438 - by Moncrief: Recognizing the chiltepin as the State Native Pepper of Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:33 p.m. adjourned, in memory of Judge Dick Stevens of Beeville and in memory of the life of John Phillip Crawford, Sr., of Austin, until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 3, 1997

CRIMINAL JUSTICE — **SB 48, SB 66, CSSB 625, SB 1001, CSSB 113**

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
SB 994, SJR 39, SCR 51

EDUCATION — **SB 338, SB 780, SB 717, SB 1158, SB 521, SB 462**

HEALTH AND HUMAN SERVICES — **CSSB 208**

INTERGOVERNMENTAL RELATIONS — **SB 397, SB 969, SB 928,
SB 1621, SB 1527, SB 1310**

JURISPRUDENCE — **HB 680, HB 368, SB 1689, SB 1559, SB 1314,
SB 1176, SB 1094, SB 1063, SB 966**

EDUCATION — **CSSB 1712, CSSB 936**

INTERGOVERNMENTAL RELATIONS — **CSSB 1211, CSSB 1438**

**In Memory
of
John Phillip Crawford, Sr.**

Senator Barrientos offered the following resolution:

(Senate Resolution 433)

WHEREAS, The Senate of the State of Texas joins the family and many friends of former assistant Texas State Attorney General John Phillip Crawford, Sr., in mourning his death on April 3, 1996, at the age of 66; and

WHEREAS, Born in Chicago, Illinois, on May 17, 1929, John Phillip Crawford was educated in the public schools of Texarkana, Texas; and

WHEREAS, After attending Prairie View A&M University, Mr. Crawford received his bachelor's degree from Southern University in Baton Rouge, Louisiana, in 1952; and

WHEREAS, While in college, Phillip Crawford was vice president of his sophomore class, president of his junior class, an honor student, and an outstanding ROTC Cadet for 1950; and

WHEREAS, John Phillip Crawford married Bettye Raphael Crawford on May 22, 1958, and the devoted couple made a warm home for their two children; and

WHEREAS, After graduating from The University of Texas School of Law in 1957, this patriotic American faithfully served his country in the Korean War, where he spent 16 months with the United States Army Second Infantry Division with the rank of Second Lieutenant; and

WHEREAS, During his service to his country, he earned the National Defense Service Medal, the Korean Service Medal, the Combat Infantry Badge, and the United Nations Service Medal; and

WHEREAS, The first African American to be admitted to the Travis County Junior Bar Association, he was also a member of the Travis County Bar Association and the State Bar of Texas; and

WHEREAS, Hired by Texas State Attorney General Waggoner Carr in July, 1963, John Phillip Crawford became the state's first African American Assistant Attorney General; and

WHEREAS, Noted for his excellence and dedication to his work, Mr. Crawford had numerous responsibilities, including keeping the attorney general and the governor advised about all bills in the United States Congress and all federal court decisions which might affect Texas; and

WHEREAS, Energetic and enthusiastic, Mr. Crawford earned the respect and friendship of his colleagues; and

WHEREAS, Assistant Attorney General from 1963 to 1969, Mr. Crawford accepted a position with the Gary Job Corps, beginning

as Assistant Center Director, serving as Acting Director of Education and Training and Center Director, and then as consultant when he returned to private practice in 1972; and

WHEREAS, A gentleman of strong convictions and unwavering faith, he was a longtime member of Saint James Episcopal Church in Austin, where he served on the Bishop's Committee; and

WHEREAS, A man who believed in giving something back to his community, Mr. Crawford served with the Capitol Area Council of the Boy Scouts of America; he supported all activities that created a better environment for his community; and

WHEREAS, Mr. Crawford leaves a legacy of compassion and commitment that will be remembered with gratitude by all those who knew and loved him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere condolences to the family of John Phillip Crawford, Sr.: his son, John Phillip Crawford, Jr.; his daughter, Phillicia Yvette Crawford Lee; and his two grandchildren, Raphael Crawford Lee and Mariah Janae Lee; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of John Phillip Crawford.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 2, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

Senator Barrientos was recognized and introduced to the Senate Phillicia Yvette Crawford Lee, daughter of John Crawford; her husband Flynn Lee; and their children Raphael Crawford Lee and Mariah Janae Lee.

The Senate welcomed the family members of John Crawford and expressed its sympathy.

